

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

98 CR 1101 (ILG)

-against-

FILED UNDER SEAL

JOHN DOE,

Defendant.
----- X

**[PROPOSED] ORDER DIRECTING NON-PARTY JOSHUA BERNSTEIN TO
RETURN PRESENTENCE INVESTIGATION REPORT AND COMPLY WITH
EXTENSION OF TEMPORARY RESTRAINING ORDER**

WHEREAS, Respondent Fred Oberlander, Esq. has testified before the Court that non-party Joshua Bernstein was in the possession of one or more of the following documents prepared and/or filed in connection with criminal matter 98 CR 1101: one or more Proffer Agreements; a Cooperation Agreement, a Complaint, an Information or draft thereof (collectively, the "Documents") and a Pre-Sentence Investigation Report (the "PSR");

WHEREAS, criminal matter 98 CR 1101, and all documents filed in connection therewith, remain under seal by order of the Court;

WHEREAS, the Court conducted a hearing in this matter on June 21, 2010 (the "Hearing");

WHEREAS, Movant John Doe attempted to subpoena Mr. Bernstein to appear at the Hearing, but was unable to effect service;

WHEREAS, the Court issued an Order at the hearing enjoining the dissemination of the

information contained in the PSR and directing all copies of the PSR to be returned to the United States Attorney's Office;

WHEREAS, the Court extended a previously issued temporary restraining order, thereby precluding the use or dissemination of the Documents and the information contained therein;

IT IS HEREBY ORDERED, that non-party Joshua Bernstein, (1) return immediately all copies, both in electronic form and physical form, of the PSR to Assistant United States Attorney Todd Kaminsky at the following address:

271 Cadman Plaza East
Brooklyn, NY 11201
(718) 254-7000

ORDERED, that Joshua Bernstein identify in writing to Kelly A. Moore, Esq., Morgan Lewis & Bockius LLP, 101 Park Avenue, New York, New York 10178, counsel for Movant, the names of, and contact information for, anyone other than Mr. Oberlander to whom he has provided copies of the Documents or PSR;

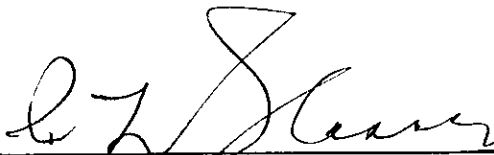
ORDERED, that Joshua Bernstein, not disseminate the Documents or information contained therein pending further order of the Court;

ORDERED, that service of this order shall be effected by mailing via Federal Express a copy of this Order to Mr. Bernstein's residence and by emailing a copy of the Order to Mr. Bernstein at an email address supplied by counsel for Mr. Oberlander;

ORDERED, that Joshua Bernstein be afforded an opportunity to be heard on the above directives should he so desire.

SO ORDERED

Dated: New York, New York
June 25th 2010


United States District Judge



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 Cadman Plaza East
Brooklyn, NY 11201

Chambers of L. Leo Glasser
Senior United States District Judge

Fax: 718-613-2446
Tel: 718-613-2444

Date: June 25, 2010

From: Chambers

To:

Kelly Anne Moore
Morgan Lewis & Bockius LLP
Fax: 212-309-6001

Richard E. Lerner, Esq.
Wilson Elser Moskowitz Edelman & Dicker LLP
Fax: 212-490-3038

Number of pages, including cover: 5

Re: United States v. John Doe, No. 98 Cr. 1101

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*****-U.S.D.C.-EDNY - ***** 718 260 2447-*****

-JUDGE L. LEO GLASSER-

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